

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2831

**DATE:** March 22, 2006

**Version:** First engrossment

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**Subject:** Medical Liability - Health Care Provider Apology

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### Overview

This bill prohibits the use of an apology or similar action made by a health care provider from being used as evidence in any civil action or related arbitration proceeding brought by an alleged victim of an unanticipated medical outcome.

#### Section

**1 Medical liability; use of provider's apology.** Adds § 604.111.

**Subd. 1. Apology not admission; medical liability.** States that any statements, affirmations, gestures, or conduct made by a health care provider expressing apology, fault, sympathy, commiseration, condolence, compassion or a general sense of benevolence to an alleged victim, or a relative or representative of an alleged victim, shall not be admissible as evidence of an admission of liability, evidence of an admission against interest, or as an excited utterance in any civil action, or a related arbitration proceeding, brought by an alleged victim of an unanticipated medical care outcome.

**Subd. 2. Definitions.** Defines "health care provider," "relative," "representative," and "unanticipated outcome."

**Effective date; application.** States that the section is effective January 1, 2007, and applies to causes of action arising on or after that date.